

IN RE: PETITION FOR VARIANCE * BEFORE THE
 NW/Corner Belair Road & Joppa Road *
 (9000 & 9006 Belair Road) * DEPUTY ZONING COMMISSIONER
 11th Election District *
 6th Councilmanic District * OF BALTIMORE COUNTY

Anna Schafer by * Case No. 95-446-A
 George T. Schafer, her Attorney In Fact *
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 9000 and 9006 Belair Road, located in the vicinity of Ebenezer Road in Perry Hall. The Petition was filed by the owner of the property, Anna Schafer, through George T. Schafer, Esquire, Attorney in Fact. The Petitioners seek a variance from Section 232.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 1-foot front yard setback in lieu of the minimum required 10 feet for the proposed enclosure of an existing porch. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Joe Schafer, Petitioner's son and Attorney in Fact, and Joe Larson, Professional Engineer with Spellman, Larson & Associates, Inc. There were no Protestants present.

Testimony and evidence offered at the hearing revealed that the subject property consists of 0.67 acres, more or less, zoned B.L.-C.S.A. and is improved with a two-story building with an attached front porch, and a detached garage. The Petitioner is desirous of enclosing the front porch to provide additional space for an existing Music Store. Due to the fact that this property is located along Belair Road, and a 10-foot right-

RECEIVED

ORDER RECEIVED FOR FILING

Date 7/17/95
 By [Signature]

of-way exists for the proposed widening of Belair Road by the State Highway Administration (SHA), the requested variance is necessary in order to proceed with the proposed improvements. It is to be noted that the requested variance is from the required setback from the SHA right-of-way and not the centerline of Belair Road. Furthermore, the existing porch is located within the required setback from the SHA right-of-way and a 10-foot wide shoulder is provided.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 203 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a denial of the variance would do a substantial injustice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special

circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of July, 1995 that the Petition for Variance seeking relief from Section 232.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 1-foot front yard setback in lieu of the minimum required 10 feet for the proposed enclosure of an existing porch, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any building permits, the Petitioner shall submit a landscape plan for review and approval by Avery Harden, Landscape Architect for Baltimore County. All landscaping pursuant to the approved plan shall be completed within one (1) year of the date of this Order.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this

ORDER RECEIVED FOR FILING
Date 7/17/95
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 17, 1995

Ms. Anna Schafer
7001 Mt. Vista Road
Kingsville, Maryland 21087

RE: PETITION FOR VARIANCE
NW/Corner Belair Road and Joppa Road
(9000 & 9006 Belair Road)
11th Election District - 6th Councilmanic District
Anna Schafer by George T. Schafer, Attorney In Fact - Petitioners
Case No. 95-446-A

Dear Ms. Schafer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Joseph Larson
Spellman, Larson & Associates, Inc.
105 W. Chesapeake Avenue, Towson, Md. 21204

People's Counsel

✓ File



#439



Petition for Variance

95-446-A

to the Zoning Commissioner of Baltimore County

for the property located at

9000 & 9006 BELAIR ROAD

which is presently zoned

BL-CSA

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

232.1 to permit a $\frac{1}{2}$ ' front yard setback in lieu of the minimum 10'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Due to the requirement to dedicate highway widening to the MSHA for road improvements to Belair Rd. the front building setback has been reduced to cause an undue hardship now that the owner wishes to enclose his porch.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

DNA
(Type or Print Name)

DNA
Signature

DNA
Address

DNA
City State Zipcode

Attorney for Petitioner.

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

ANNA SCHAFER
(Type or Print Name)
anna schaffer by George Schaffer her attorney in fact
Signature

(Type or Print Name)

Signature

7001 MT. VISTA ROAD 592-7502

Address Phone No.

KINGSVILLE MD 21087

City State Zipcode

Name, Address and phone number or representative to be contacted
SPELLMAN, LARSON & ASSOC.
JOSEPH L LARSON

Name 105 W CHESAPEAKE AVE. 823-3535

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: *WJK* DATE: 6/6/95

ORDER RECEIVED FOR FILING

Date



Printed with Soybean Ink
on Recycled Paper





439
95-446-A

ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON
JO ANN W. ROGGE

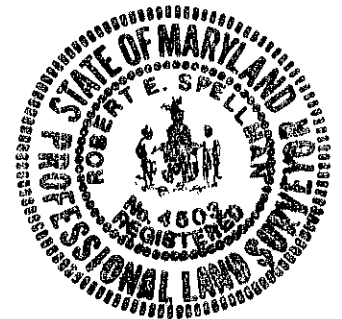
SUITE 109 — JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535
FAX (410) 825-5215

DESCRIPTION FOR ZONING NUMBERS 9000 AND 9006 BELAIR ROAD,
11TH DISTRICT, BALTIMORE COUNTY MARYLAND

Beginning for the same at a point on the Northwest side of Belair Road as widened by the State Highway Administration at the distance of 91 Feet, more or less, measured Southwesterly along the Northwest side of Belair Road from the center line of Brookfield Road, 40 feet wide, and running thence and binding on the Northwest side of Belair Road, as widened, South 54 Degrees 01 Minute 53 Seconds West 22.35 Feet and South 42 Degrees 43 Minutes 17 Seconds West 186.74 feet to the North side of Joppa Road as widened, and running thence and binding on the North side of Joppa Road South 62 Degrees 39 Minutes 03 Seconds West 65.85 feet and South 86 Degrees 40 Minutes 57 Seconds West 24.80 feet thence still binding on the North side of Joppa Road South 86 Degrees 53 Minutes 01 Second West 33.11 feet thence leaving the North side of Joppa Road and running North 28 Degrees 54 Minutes 57 Seconds East 154.76 feet North 36 Degrees 27 Minutes 51 Seconds East 161.84 feet and South 47 Degrees 46 Minutes 40 Seconds East 121.96 feet to the place of beginning.

Containing 0.67 Acres of land, more or less.

May 24, 1995



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

95-446-A

District 144B

Date of Posting 6/17/95

Posted for:

Variance

Petitioner:

Anna Schaefer

Location of property:

Belair Rd + Joppa Rd, NW/5

Location of Signs:

Facing road by, on property being zoned

Remarks:

Posted by

M. H. Kelly

Signature

Date of return:

6/23/95

Number of Signs:

1



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-446-A
(Item 439)
9000 and 9006 Belair Road
NW/S Belair Road and NW/
S Joppa Road
11th Election District
5th Councilmanic
Legal Owner(s):
Anna Schafer
Hearing: Friday,
July 7, 1995 at 9:00 a.m.
in Rm. 106, County Office

Building.

Variance to permit a 2-foot front yard setback in lieu of the minimum 10 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391.

6/270 June 22.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

6/22, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/22, 1995.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

Publication

RECEIVED



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-446-A

Account: R-001-6150

Number

Date

6/6/95

Taken In By: J. J. J. J.

Item: 439

Schneider, Anne - 9000 + 9006 Belair Rd.

020 - Common Vac. — \$250.00

080 - 1 sign — \$35.00

Total \$285.00

PAID
JUN 10 1995

Please Make Checks Payable To: Baltimore County

Cashier Validation

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

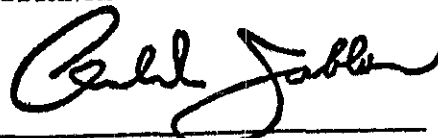
Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.



ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 439

Petitioner: Anna Schafer

Location: 9000 + 9006 Belair Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Anna Schafer

ADDRESS: 7001 Mt. Vista Rd.

Kingsville, MD 21087

PHONE NUMBER: 592-7502

TO: PUTUXENT PUBLISHING COMPANY
June 22, 1995 Issue - Jeffersonian

Please forward billing to:

Anna Schafer
7001 Mt. Vista Road
Kingsville, MD 21087
592-7502

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-446-A (Item 439)
9000 and 9006 Belair Road
NW/S Belair Road and NW/S Joppa Road
11th Election District - 5th Councilmanic
Legal Owner(s): Anna Schafer
HEARING: FRIDAY, JULY 7, 1995 at 9:00 a.m. in Room 106, County Office Building.

Variance to permit a 2-foot front yard setback in lieu of the minimum 10 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 15, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-446-A (Item 439)
9000 and 9006 Belair Road
NW/S Belair Road and NW/S Joppa Road
11th Election District - 5th Councilmanic
Legal Owner(s): Anna Schafer
HEARING: FRIDAY, JULY 7, 1995 at 9:00 a.m. in Room 106, County Office Building.

Variance to permit a 2-foot front yard setback in lieu of the minimum 10 feet.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Anna Schafer
Spellman, Larson & Associates

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 30, 1995

Ms. Anna Schafer
7001 Mt. Vista Road
Kingsville, Maryland 21087

RE: Item No.: 439
Case No.: 95-446-A
Petitioner: Anna Schafer

Dear Ms. Schafer:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 6, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr.", is written over the word "Sincerely,".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: June 26, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for June 26, 1995
Item No. 439

The Development Plans Review Division has reviewed the subject zoning item. Belair Road is a State Road. All improvements, intersections, entrances, drainage requirements and constructing affecting the State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration, in addition to those of Baltimore County.

Per Baltimore County Department of Public Works Standard Plat R-32, a single commercial entrance shall be constructed at the Belair Road entrance, shown on the plat. Use 15-foot radii curb returns with 26-foot wide entrance.

The "impacted area" of the proposed addition and enclosure is subject to the Landscape Manual. This office recommends that the Hearing Officer also require that the remainder of the site be subject to the Landscape Manual to the extent possible.

RWB:sw



Maryland Department of Transportation
State Highway Administration

Secretary
Hal Kassoff
Administrator

6-22-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 439 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 15, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning

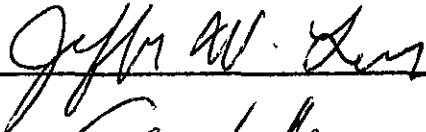
SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 433, 439, 441 and 445.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:



Division Chief:



PK/JL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
INTER-OFFICE CORRESPONDENCE

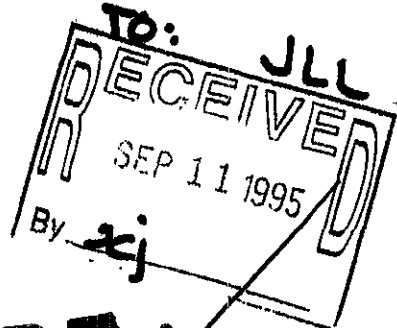
DATE: September 8, 1995

To: Mr. Wirth - DEPRM, SWM
Mr. Stewart - DEPRM, EIRD
Mr. Seeley - DEPRM, W & S
Mr. Richards - PDM, Development Control
Mr. Ogie - PDM, House Numbers & Street Names
Mr. Bowling - PDM, DES (4)
Capt. Paul - Fire Dept. - 1102F
Mr. Grossman - Rec & Parks
Mr. Small - SHA (3)
Mr. McDaniel - OPZ, Development Review (3)

From: Susan Wimbley

Subject: Project Name: SCHAFER PROP.
Project No.: 951542-9006 Belair Road
PDM No.: XI-729
District: 11
Engineer: SPELLMAN LARSON
Phone No.: 823-3535

Action: ☒ Limited Exemption (26-171.b.9)
☐ Waived Hearing Officer Hearing
☐ CRG Non-material Amendment
☐ Waived CRG Meeting



RE:
This Bldg. Permit no. 246682
only = ok
small
add'n. to Bldg.
Exst. Bldg.

Please review the attached plan for compliance with current regulations and return comments to this office by **SEPT. 29, 1995**. If you have no comments or do not need to review this plan, please indicate by placing your initials here

Please initial here if your agency requests PDM, Land Acquisition, to acquire

☐ HIGHWAY WIDENING
☐ GREENWAY
☐ DRAIN/UTILITY EASEMENT
☐ FOREST CONSERVATION

☐ FOREST BUFFER
☐ FLOODPLAIN
☐ PUBLIC WORKS AGRMT
☐ NONE OF THE ABOVE

DUE TO SUBSTANTIAL CHANGES:

A ZONING PUBLIC HEARING IS REQUIRED
TO APPROVE AN AMENDED PLAN AND ORDER
IN ZONING CASE 95-446-A

DOCUMENT ALL REQUIRED ZONING ACTIONS AND DETAILED
ZONING HISTORY, ORDERS AND RESTRICTIONS ON REVISED
PLANS.

ALSO SHOW SECT 303.2 COMPLIANCE AND VARIANCE THE LESS
THAN 10 FT PARKING TO STREET RW SETBACK PER SECT. 409, 300 BCZR
SHOW ALL NEARBY (WITHIN 200') ZONE LINES

LTDEXEMP.DOT

UNRECORDED

ARR 9/11/95

RE: PETITION FOR VARIANCE
9000 and 9006 Belair Road, NW/S Belair
Road and NW/S Joppa Road, 11th
Election District, 5th Councilmanic

Anna Schafer
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-446-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

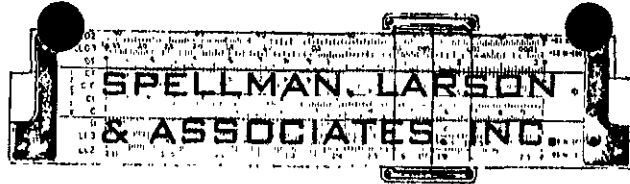
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of June, 1995, a copy of the foregoing Entry of Appearance was mailed to Joseph L. Larson, Spellman, Larson & Assoc., 105 W. Chesapeake Avenue, Towson, MD 21204, representative for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

[Handwritten signature]



ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON
JO ANN W. ROGGE

SUITE 109 — JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535
FAX (410) 823-5215

October 4, 1995

Mr Arnold Jablon, Director
Office of Zoning Administration
Baltimore County
County Office Building
Towson MD 21204

Re: Schafer Property
9006 Belair Road
N/W Corner Belair and Joppa Rds
Job No 95012

Dear Arnold:

Attached hereto please find a check for \$40.00 which covers the processing fee for the review, evaluation and a decision on the zoning matter as described below.

Currently the subject project is being processed through a Site Development Plan Review for the construction of a new commercial building as shown on the attached Site Development Plan.

I am enclosing herewith 2 copies of the Plan for your use in reviewing this matter. The Plan clearly shows the existing conditions and also all proposed improvements.

The issue at hand relates to the Site Development Plan comments we received from Mr John Lewis of your office requesting that we must arrange a Zoning Special Hearing to amend the Site Plan that accompanied Zoning Case No 95-446-A. This Case involved a front yard setback variance for the subject property which was granted on July 17, 1995. Also attached hereto are two copies of our Zoning Plat for your use and information.

We are herein simply requesting you to waive the requirement for another Hearing and allow the project to proceed ahead for Site Development Plan approval.

Mr Arnold Jablon, Director
Office of Zoning Administration
Baltimore County
County Office Building
Towson MD 21204

SPELLMAN, LARSON & ASSOC
October 4, 1995
Page: 2

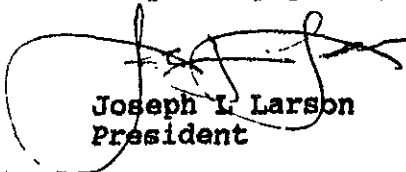
The basis for our argument is that this project has been the subject of two Development Review Committee Meetings with Limited Exemptions being granted in both cases. These DRC meetings both involved the proposed new building construction. The Exemptions that were granted were (b) 9 Exemptions which of course waives the Public Hearing requirements.

In light of the fact that this project has had ample exposure through the Development Review Committee and at our Zoning Hearing, where no one from the community attended, I don't feel that another Public Hearing would serve any purpose at all. The fact that neighborhood concern was totally absent at our Zoning Hearing and the DRC granted our Limited Exemptions waving the Public Hearing process is, I feel, sufficient to approve the dismissal of any further Hearing requirements.

In discussing this issue with Mr Lewis he agrees that the Hearing would be a technicality and would not achieve anything other than putting a new Site Plan on the record. I believe that the processing and approval of our Site Development Plan as attached will sufficiently achieve this goal.

I appreciate your consideration in this matter and look forward to your response as soon as possible.

Very truly yours,


Joseph L. Larson
President

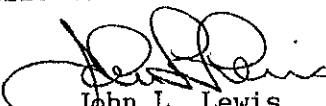
cc: George Schafer

November 13, 1995

Proposed Site Plan Revisions
Zoning Case #95-446-A
11th Election District

Based on the provided information, the fact that no protestants appeared at the zoning hearing and a recent meeting with the deputy zoning commissioner on 11/13/95, the proposed site plan changes are approved as being within the spirit and intent of the above referenced zoning hearing.

Document this approval and comply with all development plan comments on all future plans, particularly in light of the zoning commissioner's restrictions.


John L. Lewis
Planner II, Zoning Review
887-3391

JLL:scj

**Speed
Letter**

In the interest of speed and economy, we are replying to your letter with marginal notes. If you need more information, do not hesitate to call or write. Thank you for your interest.



SCHAFER PROPERTY
9006 Belair Road
95-154-Z

Limited Exemption Comments

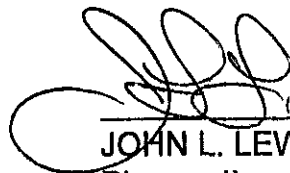
Revised Plan Date: 9/10/96

Comments Date: 9/23/96

Comments Typed: 9/24/96

1. Document the text of the letter referenced in the zoning history note and dated 10/4/95 on this plan. This letter must give a spirit and intent approval for the new layout and building.
2. Show front setback compliance with Section 303.2, BCZR.
3. Reference the zoning review limited exemption number (95-154-Z) on all plans.

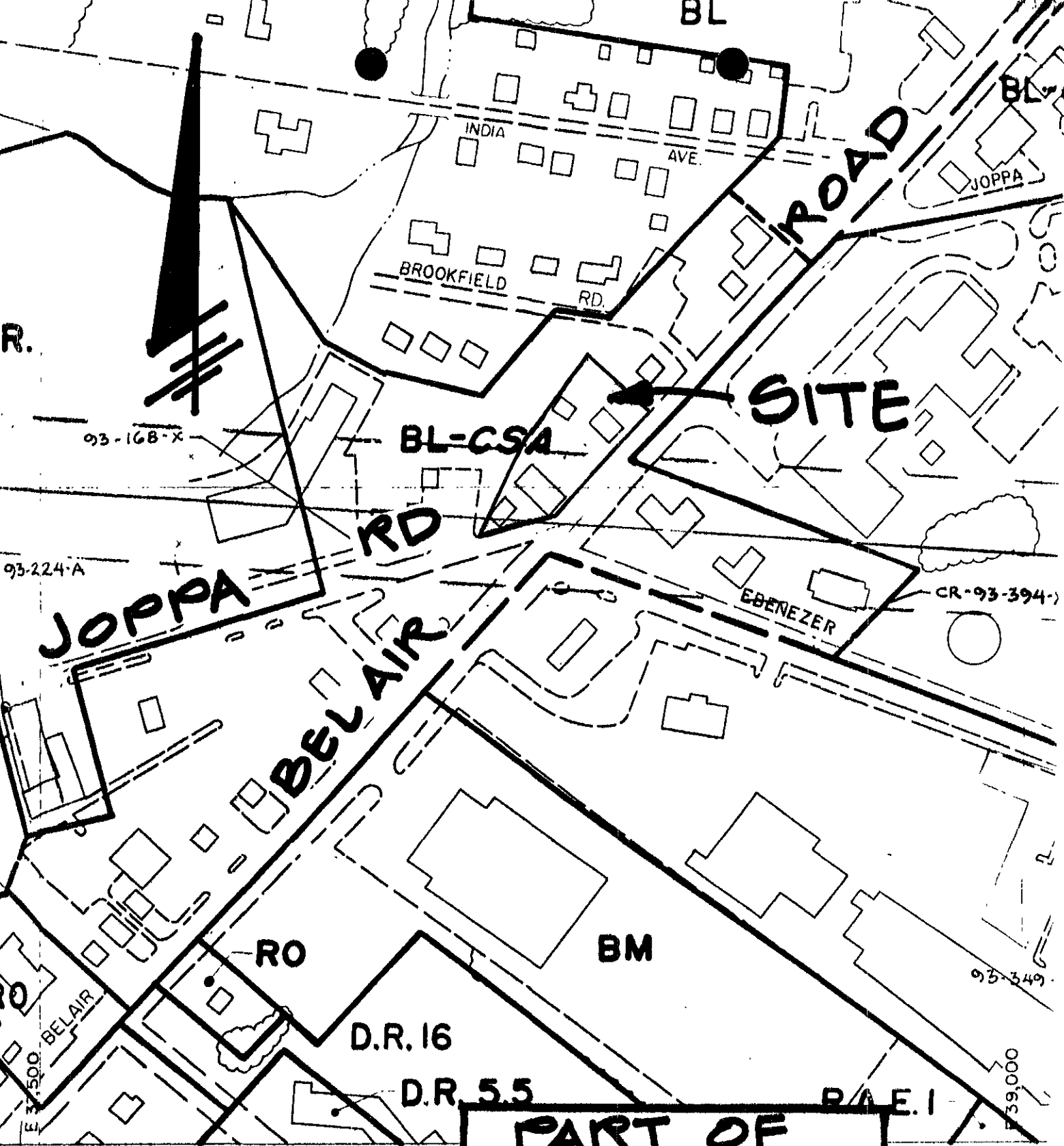
Return a copy of these comments with revised plans to Zoning Review.



JOHN L. LEWIS
Planner II
Zoning Review, PDM

JLL:scj

c: #95-446-A



95-446-A
439

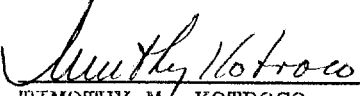
PART OF
ZONING MAP
NE 10-G
SCALE: 1"=200'
OFFICIAL ZONING
ANN

95-446-A



446

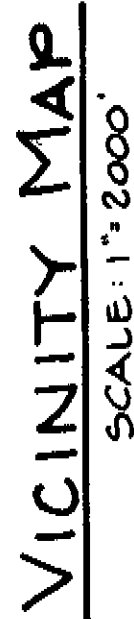
case and set forth and address the restrictions of
this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORIGINAL FILED
DATE 7/17/95
BY [Signature]

1. ALL SIGNS WILL COMPLY WITH THE DCZC AND ALL ZONING POLICIES.
2. THE PROPERTY HAS NO ZONING HISTORY.
3. THE PROPERTY HAS NO EXISTING WAIVERS OR C.R.'s.
4. THERE ARE NO UNDERGROUND STORAGE TANKS ON THE PROPERTY.
5. THERE ARE NO HAZARDOUS MATERIAL SITES ON THE PROPERTY.
6. THERE ARE NO HISTORICAL BUILDINGS OR LANDMARKS ON THE PROPERTY.
7. THE PROPERTY IS NOT LOCATED IN THE CHESTNUT PARK COMMUNITY.
8. THERE ARE NO MICROBIOLOGICAL SITES ON THE PROPERTY.
9. THERE ARE NO EXISTING WELLS ON THE PROPERTY.
10. THE PROPERTY IS NOT LOCATED IN AN ADJACENT WATERSHED AREA SMALL ENOUGH TO WARRANT AN OFFSPRINT REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES & PUBLIC STREETS.
11. A WAIVER OF STORMWATER MANAGEMENT REQUIREMENTS HAS BEEN APPLIED FOR.
12. PROPOSED DRIVEWAY AND PARKING AREA SHALL BE CONSTRUCTED TO MEET CONTRACT # 115-501-476 FOR IMPROVEMENTS TO BELAIR ROAD - US 202.
13. REFER TO BUILDING PERMIT NO. B 2306-07 FOR PROPOSED ADDITION TO EXISTING BUILDING.
14. A VARIANCE TO THE FRONT BUILDING SETBACK REQUIREMENTS RELATING TO THE PROPOSED EXCLUSIVE USE ADDITION TO EXISTING BUILDING HAS BEEN GRANTED BY THE BOARD OF ZONING ADJUSTMENTS.
15. THE PROPOSED EXCLUSIVE USE ADDITION TO EXISTING WATER AND SEWER CONNECTION AND DEPTH OF EXISTING WATER AND SEWER CONNECTION FOR REFITTING FOR PROPOSED BUILDING.
16. A LIMITED EXEMPTION WAS GRANTED FOR THIS PROPERTY BY THE DEVELOPMENT BOARD OF ZONING ADJUSTMENTS. REFER TO LETTER DATED 12-11-04.
17. THE PROPERTY IS NOT LOCATED IN THE CHESTNUT PARK COMMUNITY. REFER TO LETTER DATED 12-11-04.
18. THERE ARE NO TREATMENT PONDS ON THE SITE.
19. THERE ARE NO TREATMENT PONDS ON THE SITE.
20. THERE ARE NO TREATMENT PONDS ON THE SITE.



GROSS SITE AREA	0.695 Acs ±
NET SITE AREA	0.628 Acs ±
ELECTION DISTRICT	11
COUNCILMANIC DISTRICT	BL- CSA
EXISTING ZONING	26/300 T
DEED REFERENCES	TG/350 T
TAX MAP / PARCEL GRID	19000417
TAX ACCOUNT NUMBER	150005416
	4114 OS
CENSUS TRACT	6
WATERSHED	22
SUBDIVISION	MUSIC STONE
EXISTING USE	MUSIC / MUSIC STONE
PROPOSED USE	METAL
F.A.R.	4.882 #
FLOOR AREA	0.635 Acs
SITE AREA	= 0.16
AVERAGE DAILY TRF	182
4,482 SF ±	
40 CFT PER 1,000 SF ±	
STANDARD SPECIALTY METAL	
DISTURBED AREA	0.08 Acs ±

MARK: H₂O No. 10646
- CUT IN WALK SE SIDE BELAIR ROAD
OPP BROOKFIELD ROAD IN FRONT OF
CENTRY HALL ELEMENTARY SCHOOL
ELEV. 227.085

REQUIRED PARKING
PROPOSED BUILDING
@ 5 SPACES PER
EXIST BUILDING PLUS
ADDITION 1 ENCLOSURE
@ 5 SPACES
2,070 SF
1,000 SF = 10 SPACES
2,412 SF
1,000 SF = 12 SPACES
TOTAL REQUIRED = 22 SPACES
PARKING PROVIDED
STANDARD @ 5 X 10
2 SPACES
2 SPACES
2 SPACES
TOTAL = 6 SPACES

REVIEWS			
NC	DATE	DESCRIPTION	
1	7/17/95	REV	PER OWNERS COMMENTS.
2	9/11/95	REV	PER COUNTY COMMENTS.

ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 109, JEFFERSON BLDG. TOWSON MD. 21204

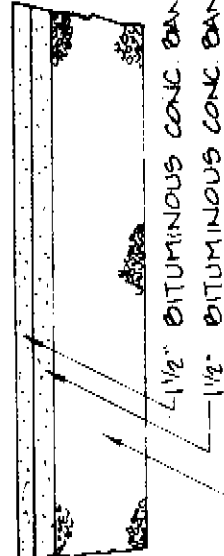
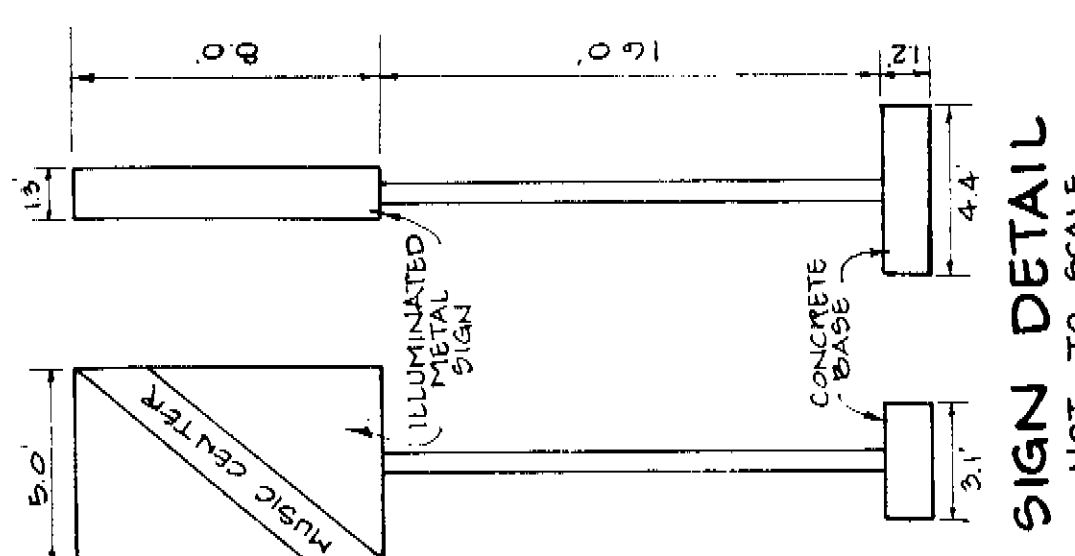
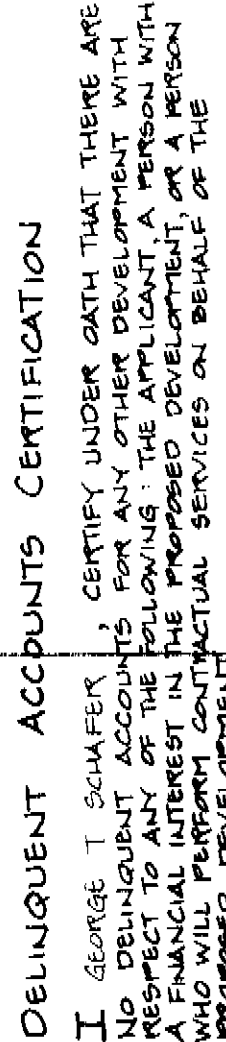
Σ 1 - 726

11TH ELECTION DISTRICT

SCALE: 1"=20'	DES. BY:
DATE: JULY 11, 1995	DRN BY: PPMJN

BALTIMORE CO., MD

SHT. 1 OF 1



SOILS LIMITATION CHART				
SERIES	W/BASEMENT	W/BASEMENT	STREETS + PARKING	
B + B	MODERATE	SLIGHT	MODERATE	
CID	SLIGHT TO MODERATE	SLIGHT TO MODERATE	SEVERE	

IN RE: PETITION FOR VARIANCE
NW/Corner Belair Road & Joppa Road
(9000 & 9006 Belair Road)
11th Election District
6th Councilmanic District
* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-446-A
* George T. Schafer, her Attorney In Fact
* Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 9000 and 9006 Belair Road, located in the vicinity of Ebenezer Road in Perry Hall. The Petition was filed by the owner of the property, Anna Schafer, through George T. Schafer, Esquire, Attorney in Fact. The Petitioners seek a variance from Section 232.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 1-foot front yard setback in lieu of the minimum required 10 feet for the proposed enclosure of an existing porch. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Joe Schafer, Petitioner's son and Attorney in Fact, and Joe Larson, Professional Engineer with Spellman, Larson & Associates, Inc. There were no Protestants present.

Testimony and evidence offered at the hearing revealed that the subject property consists of 0.67 acres, more or less, zoned B.L.-C.S.A. and is improved with a two-story building with an attached front porch, and a detached garage. The Petitioner is desirous of enclosing the front porch to provide additional space for an existing Music Store. Due to the fact that this property is located along Belair Road, and a 10-foot right-

of-way exists for the proposed widening of Belair Road by the State Highway Administration (SHA), the requested variance is necessary in order to proceed with the proposed improvements. It is to be noted that the requested variance is from the required setback from the SHA right-of-way and not the centerline of Belair Road. Furthermore, the existing porch is located within the required setback from the SHA right-of-way and a 10-foot wide shoulder is provided.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a denial of the variance would do a substantial injustice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special

circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of July, 1995 that the Petition for Variance seeking relief from Section 232.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 1-foot front yard setback in lieu of the minimum required 10 feet for the proposed enclosure of an existing porch, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any building permits, the Petitioner shall submit a landscape plan for review and approval by Avery Harden, Landscape Architect for Baltimore County. All landscaping pursuant to the approved plan shall be completed within one (1) year of the date of this Order.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this

case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

FILED
By *[Signature]*
Date *7/17/95*

ORDER RECEIVED FOR FILING

FILED
By *[Signature]*
Date *7/17/95*

ORDER RECEIVED FOR FILING

FILED
By *[Signature]*
Date *7/17/95*

ORDER RECEIVED FOR FILING

FILED
By *[Signature]*
Date *7/17/95*

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-4386
July 17, 1995

Mr. Anna Schafer
7001 Mt. Vista Road
Kingsville, Maryland 21087

RE: PETITION FOR VARIANCE
NW/Corner Belair Road and Joppa Road
(9000 & 9006 Belair Road)
11th Election District - 6th Councilmanic District
Anna Schafer by George T. Schafer, Attorney In Fact - Petitioners
Case No. 95-446-A

Dear Ms. Schafer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Joseph Larson
Spellman, Larson & Associates, Inc.
105 W. Chesapeake Avenue, Towson, Md. 21204

People's Counsel
File

Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 9000 & 9006 BELAIR ROAD
which is presently zoned BL-CSA

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

232.1 to permit a 1' front yard setback in lieu of the minimum 10'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Due to the requirement to dedicate highway widening to the MSHA for road improvements to Belair Rd. the front building setback has been reduced to cause an undue hardship now that the owner wishes to enclose his porch.

Property is to be posted and advertised as prescribed by Zoning Regulations. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Contract Purchaser/Lessee:
Name: ANNA SCHAFER
(Type or Print Name)
Signature: *[Signature]*
Address: DNR
City: DNR
State: DNR
Zip: DNR

Attorney for Petitioner:
Name: ANNA SCHAFER
(Type or Print Name)
Signature: *[Signature]*
Address: DNR
City: DNR
State: DNR
Zip: DNR

Use do solemnly declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Legal Owner:
Name: ANNA SCHAFER
(Type or Print Name)
Signature: *[Signature]*
Address: DNR
City: DNR
State: DNR
Zip: DNR

Name: 7001 MT. VISTA ROAD 592-7502
Address: KINGSVILLE MD 21087
City: KINGSVILLE MD 21087
State: MD
Zip: 21087

Name: 105 W CHESAPEAKE AVE. 823-3535
Address: 105 W CHESAPEAKE AVE. 823-3535
City: Towson
State: MD
Zip: 21204

ESTIMATED LENGTH OF HEARING: 2 hr
unavailable for hearing

ALL OTHER: *[Signature]*
REVIEWED BY: *[Signature]* DATE: 6/16/95

ORDER RECEIVED FOR FILING

FILED
By *[Signature]*
Date *6/16/95*



SPELLMAN, LARSON & ASSOCIATES, INC.
SUITE 109 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3395
FAX (410) 823-5215

ROBERT E. SPELLMAN, P.E.
JO ANN A. ROGGE

DESCRIPTION FOR ZONING NUMBERS 9000 AND 9006 BELAIR ROAD,
11TH DISTRICT, BALTIMORE COUNTY MARYLAND

Beginning for the same at a point on the Northwest side of Belair Road as widened by the State Highway Administration at the distance of 91 feet, more or less, measured Southwesterly along the Northwest side of Belair Road from the center line of Brookfield Road, 40 feet wide, and running thence and binding on the Northwest side of Belair Road, as widened, South 54 Degrees 01 Minute 23 Seconds West 22.38 Feet and South 42 Degrees 43 Minutes 17 Seconds West 120.74 feet to the North side of Joppa Road as widened, and running thence and binding on the North side of Joppa Road South 62 Degrees 39 Minutes 03 Seconds West 55.85 feet and South 86 Degrees 40 Minutes 57 Seconds West 24.80 feet thence still binding on the North side of Joppa Road South 26 Degrees 53 Minutes 01 Second West 33.11 feet thence leaving the North side of Joppa Road and running North 28 Degrees 54 Minutes 57 Seconds East 154.76 feet North 30 Degrees 27 Minutes 51 Seconds East 161.84 feet and South 47 Degrees 46 Minutes 40 Seconds East 121.96 feet to the place of beginning.

Containing 0.67 Acres of land, more or less.

May 24, 1995



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: *11th* Date of Posting: *6/17/95*
Posted for: *Variance*
Petitioner: *Anna Schafer*
Location of property: *Belair Rd. + Joppa Rd., No. 15*
Location of Sign: *Belair Rd. + Joppa Rd., property being posted*
Remarks:
Posted by: *[Signature]* Date of return: *6/23/95*
Number of Signs: *1*

CERTIFICATE OF PUBLICATION

TOWSON, MD. *6/22/95*

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of *1* successive weeks, the first publication appearing on *6/22/95*.

THE JEFFERSONIAN,

A. Henikson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property described herein in Room 109 of the County Office Building, 111 W. Chesapeake Avenue, 11th Election District, 9th Councilmanic District, Legal Owner(s): Anna Schafer, Hearing: Friday, July 7, 1995 at 8:00 a.m. in Room 109, County Office Building.
Reference is made to a 2-foot front yard setback in lieu of the minimum 10 feet.
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (Hearings are held on Wednesdays, for special accommodations, please call 887-3391)
For information concerning the hearing, please call 887-3391.
6/20 June 22

receipt
95-446-A

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number
Date: 6/6/95
Taken In By: JMK
Item: 439

Schuler, Anna - 9000 + 9006 Belair Rd.
020 - Comm Var. - \$250.00
080 - 1 sign - \$35.00
Total \$285.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 439

Petitioner: Anna Schuler

Location: 9000 + 9006 Belair Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Anna Schuler

ADDRESS: 7001 Mt. Vista Rd.

Kingsville, MD 21087

PHONE NUMBER: 592-7502

AJ:ggg

(Revised 04/09/93)

TO: FUTURE PUBLISHING COMPANY
June 22, 1995 Issue - Jeffersonian

Please forward billing to:

Anna Schuler
7001 Mt. Vista Road
Kingsville, MD 21087
592-7502

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-446-A (Item 439)
9000 and 9006 Belair Road
NW/S Belair Road and NW/S Joppa Road
11th Election District - 5th Councilmanic
Legal Owner(s): Anna Schuler
HEARING: FRIDAY, JULY 7, 1995 at 9:00 a.m. in Room 106, County Office Building.

Variance to permit a 2-foot front yard setback in lieu of the minimum 10 feet.

LAURENCE E. SCHWITZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 15, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-446-A (Item 439)
9000 and 9006 Belair Road
NW/S Belair Road and NW/S Joppa Road
11th Election District - 5th Councilmanic
Legal Owner(s): Anna Schuler
HEARING: FRIDAY, JULY 7, 1995 at 9:00 a.m. in Room 106, County Office Building.

Variance to permit a 2-foot front yard setback in lieu of the minimum 10 feet.

Arnold Jablon
Arnold Jablon
Director

cc: Anna Schuler
Spellman, Larson & Associates

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 30, 1995

Ms. Anna Schuler
7001 Mt. Vista Road
Kingsville, Maryland 21087

RE: Item No.: 439
Case No.: 95-446-A
Petitioner: Anna Schuler

Dear Ms. Schuler:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 6, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: June 28, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for June 28, 1995
Item No. 439

The Development Plans Review Division has reviewed the subject zoning item. Belair Road is a State Road. All improvements, intersections, entrances, drainage requirements and constructing affecting the State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration, in addition to those of Baltimore County.

Per Baltimore County Department of Public Works Standard Plat R-32, a single commercial entrance shall be constructed at the Belair Road entrance, shown on the plat. Use 15-foot radii curb returns with 26-foot wide entrance.

The "impacted area" of the proposed addition and enclosure is subject to the Landscape Manual. This office recommends that the Hearing Officer also require that the remainder of the site be subject to the Landscape Manual to the extent possible.

RNB:sw

Maryland Department of Transportation
State Highway Administration

Secretary
Hal Kasson
Administrator

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 439 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 15, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 433, 439, 441 and 445.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3490.

Prepared by: *Jeffrey Long*
Division Chief: *Carol Burns*

PK/JL

ZAC.433/PZONE/ZAC1

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
INTER-OFFICE CORRESPONDENCE

DATE: September 8, 1995

To: Mr. Wirth - DEPRM, SWM
Mr. Stewart - DEPRM, ERO
Mr. Seale - DEPRM, W & S
Mr. Richards - PDM, Development Control
Mr. Ogilvie - PDM, House Numbers & Street Names
Mr. Bowling - PDM, DES (4)
Capt. Paul - Fire Dept. - 1102F
Mr. Grossman - Rec. & Parks
Mr. Small - SHA (3)
Mr. McDaniel - OPZ, Development Review (3)

From: Susan Wimbley

Subject: Project Name: SCHAFER PROP.
Project No.: 95154-446-1006 Belair Road
PDM No.: 21-729
District: 11
Engineer: SPELLMAN LARSON
Phone No.: 823-3535

Action: ☒ Limited Exemption (25-171.b.9)
☐ Waived Hearing Officer Hearing
☐ CRG Non-material Amendment
☐ Waived CRG Meeting

Please review the attached plan for compliance with current regulations and return comments to this office by SEPT. 29, 1995. If you have no comments or do not need to review this plan, please indicate by placing your initials here

Please initial here if your agency requests PDM, Land Acquisition, to acquire

HIGHWAY WIDENING FOREST BUFFER
GREENWAY FLOODPLAIN
DRAINUTILITY EASEMENT PUBLIC WORKS AGRMT
FOREST CONSERVATION NONE OF THE ABOVE

LTDEXEMP.DOT
DUE TO SUBSTANTIAL CHANGES:
A ZONING PUBLIC HEARING IS REQUIRED
TO APPROVE AN AMENDED PLAN AND ORDER
IN ZONING CASE 95-446-A
DOCUMENT ALL REQUIRED ZONING ACTIONS AND DETAILED
ZONING HISTORY, ORDERS AND RESTRICTIONS ON REISED
PLANS
ALSO SHOW SET 303.2 COMPLIANCE AND VARIANCE THE LESS
THAN 10 FT PARKING TO STREET RW SETBACK PER SECT. 409.3 AND 303.2
SHOW ALL NEARBY (WITHIN 200') DRIVE LINES

PETITION PROBLEMS
AGENDA OF JUNE 19, 1995

#437 --- MJK

1. Notary section is incorrect.

#439 --- MJK

1. Need power of attorney for person signing for legal owner.

#441 --- MJK

1. Legal owner's name does not agree on petition and plat. Petition says Garland & Camether Hurt; plat says Sparrows Point Lodge #3339 G.W.O. of Odd Fellows. Which one is correct?

#445 --- CAM

1. Legal owner's name does not agree on petition and plat. Petition says David M. Zwald, Regional Admin.; plat says North Oaks R.E. Part. Which one is correct?

#448 --- JJS

1. No telephone number on petition form for legal owner.

#449 --- JJS

1. Notary section is incomplete.

RE: PETITION FOR VARIANCE
9000 and 9006 Belair Road, NW/S Belair
Road and NW/S Joppa Road, 11th
Election District, 5th Councilmanic
District
Anna Schafer
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 95-446-A

ENTRY OF APPEARANCE

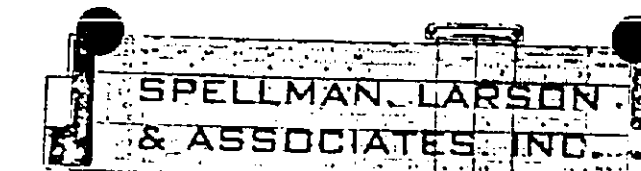
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
CAROLE S. DENILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of June, 1995, a copy of the foregoing Entry of Appearance was mailed to Joseph L. Larson, Spellman, Larson & Assoc., 105 W. Chesapeake Avenue, Towson, MD 21204, representative for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



SUITE 109 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535
FAX (410) 823-5215

ROBERT C. SPELLMAN, P.E.
JOSEPH L. LARSON
JO ANN W. HODGE

October 4, 1995

Mr. Arnold Jablon, Director
Office of Zoning Administration
Baltimore County
County Office Building
Towson MD 21204

Re: Schafer Property
9006 Belair Road
N/W Corner Belair and Joppa Rds
Job No 95012

Dear Arnold:

Attached hereto please find a check for \$40.00 which covers the processing fee for the review, evaluation and a decision on the zoning matter as described below.

Currently the subject project is being processed through a Site Development Plan Review for the construction of a new commercial building as shown on the attached Site Development Plan.

I am enclosing herewith 2 copies of the Plan for your use in reviewing this matter. The Plan clearly shows the existing conditions and also all proposed improvements.

The issue at hand relates to the Site Development Plan comments we received from Mr. John Lewis of your office requesting that we must arrange a Zoning Special Hearing to amend the Site Plan that accompanied Zoning Case No 95-446-A. This Case involved a front yard setback variance for the subject property which was granted on July 17, 1995. Also attached hereto are two copies of our Zoning Plat for your use and information.

We are herein simply requesting you to waive the requirement for another Hearing and allow the project to proceed ahead for Site Development Plan approval.

RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

Mr. Arnold Jablon, Director
Office of Zoning Administration
Baltimore County
County Office Building
Towson MD 21204
SPELLMAN, LARSON & ASSOC
October 4, 1995
Page: 2

The basis for our argument is that this project has been the subject of two Development Review Committee Meetings with Limited Exemptions being granted in both cases. These DRC meetings both involved the proposed new building construction. The Exemptions that were granted were (b) 9 Exemptions which of course waives the Public Hearing requirements.

In light of the fact that this project has had ample exposure through the Development Review Committee and at our Zoning Hearing, where no one from the community attended, I don't feel that another Public Hearing would serve any purpose at all. The fact that neighborhood concern was totally absent at our Zoning Hearing and the DRC granted our Limited Exemptions waving the Public Hearing process is, I feel, sufficient to approve the dismissal of any further Hearing requirements.

In discussing this issue with Mr. Lewis he agrees that the Hearing would be a technicality and would not achieve anything other than putting a new Site Plan on the record. I believe that the processing and approval of our Site Development Plan as attached will sufficiently achieve this goal.

I appreciate your consideration in this matter and look forward to your response as soon as possible.

Very truly yours,

Joseph L. Larson
President

cc: George Schafer

Speed Letter

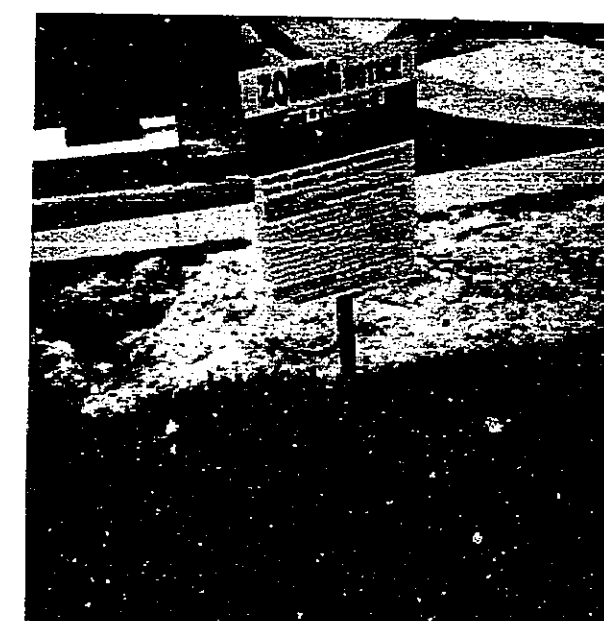
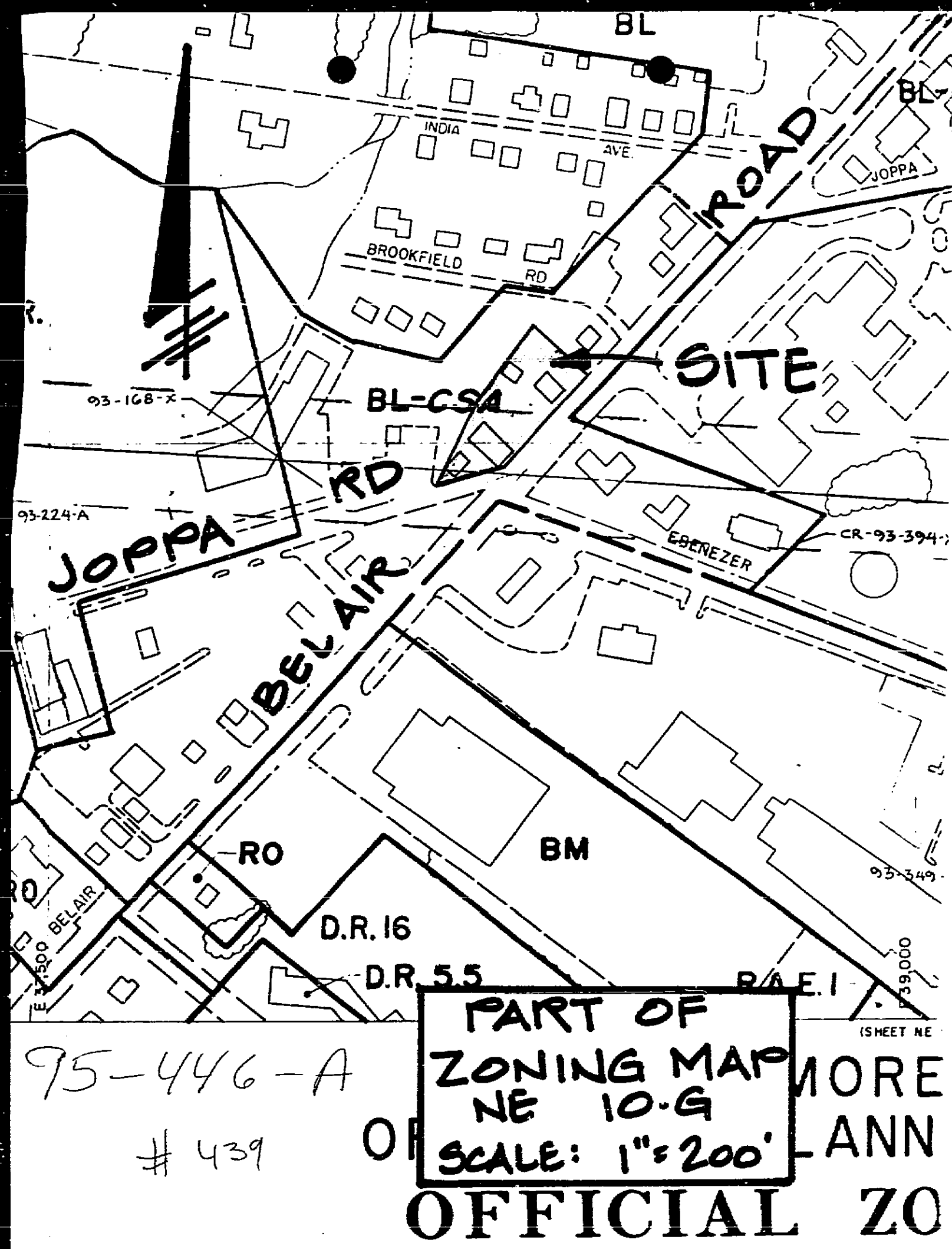
November 13, 1995

Based on the provided information, the fact that no protestants appeared at the zoning hearing and a recent meeting with the deputy zoning commissioner on 11/13/95, the proposed site plan changes are approved as being within the spirit and intent of the above referenced zoning hearing.

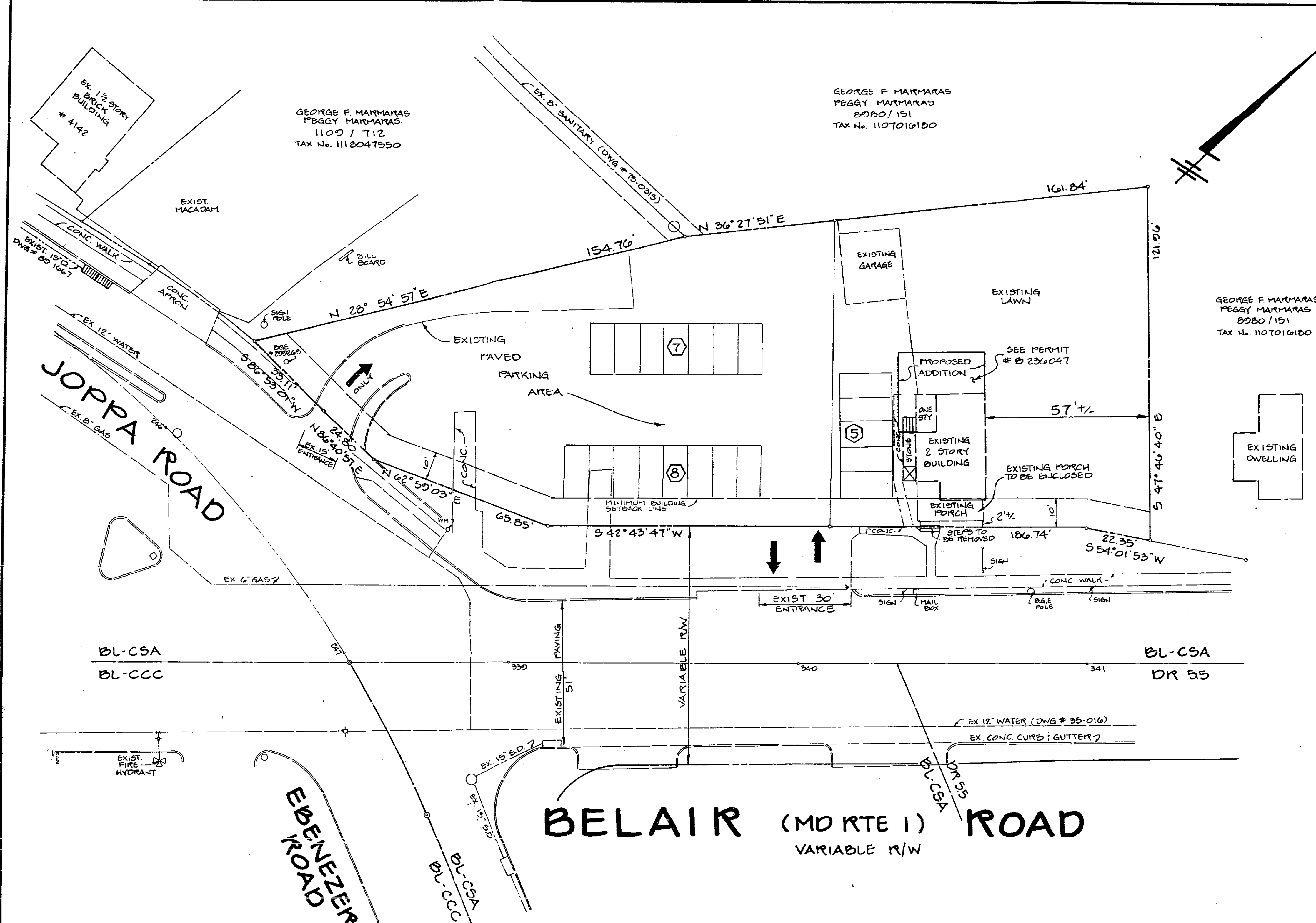
Document this approval and comply with all development plan comments on all future plans, particularly in light of the zoning commissioner's restrictions.

John L. Lewis
Planner II, Zoning Review
887-3391

JLL:scj

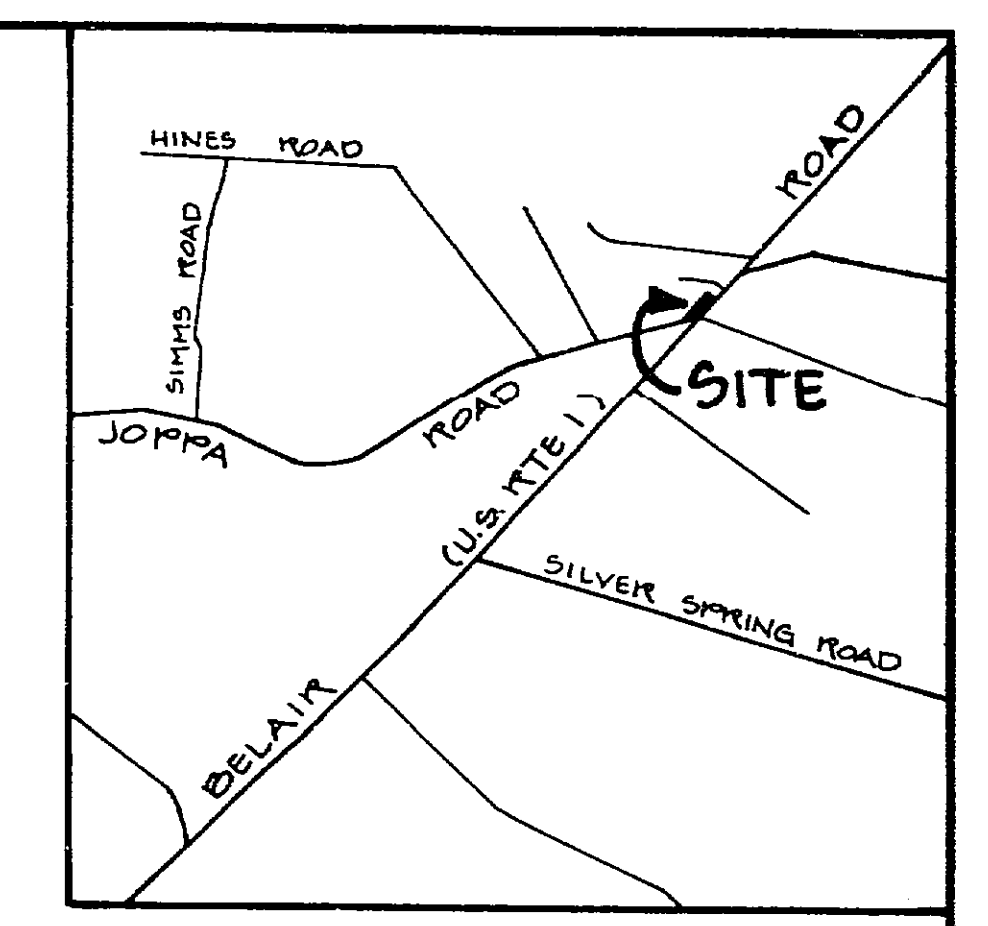


95-446-A



GENERAL NOTES

1. THE PROPERTY HAS NO ZONING HISTORY.
2. THE PROPERTY HAS NO EXISTING WAIVERS OR C.R.G.'S.



VICINITY MAP
SCALE: 1"=2000'

SITE DATA

GROSS SITE AREA	0.07 AC±
NET SITE AREA	0.07 AC±
ELECTION DISTRICT	11
COUNCILMANIC DISTRICT	5
EXISTING ZONING	BL-CSA
DEED REFERENCES	32/389; 806/399
TAX MAP / PARCEL/ARID	T2/350/17
TAX ACCOUNT NUMBER	10000475
EXISTING USE	RETAIL
PROPOSED USE	(MUSIC STORE) RETAIL
FLOOR AREA	
1ST FLOOR (EXIST)	820 Sq. Ft.
2ND FLOOR (EXIST)	716 Sq. Ft.
ENCLOSURE (EXIST)	225 Sq. Ft.
ADDITION (PROP)	510 Sq. Ft.
TOTAL	2,271 Sq. Ft.
F.A.R.	Sq. Ft. / 0.07 AC±
	2,271 / 0.07 AC±
	0.06
PARKING REQUIRED	2,271 ÷ 200 SF/SP = 11.4 SPACES
PARKING PROVIDED	20 SPACES



95-446-A

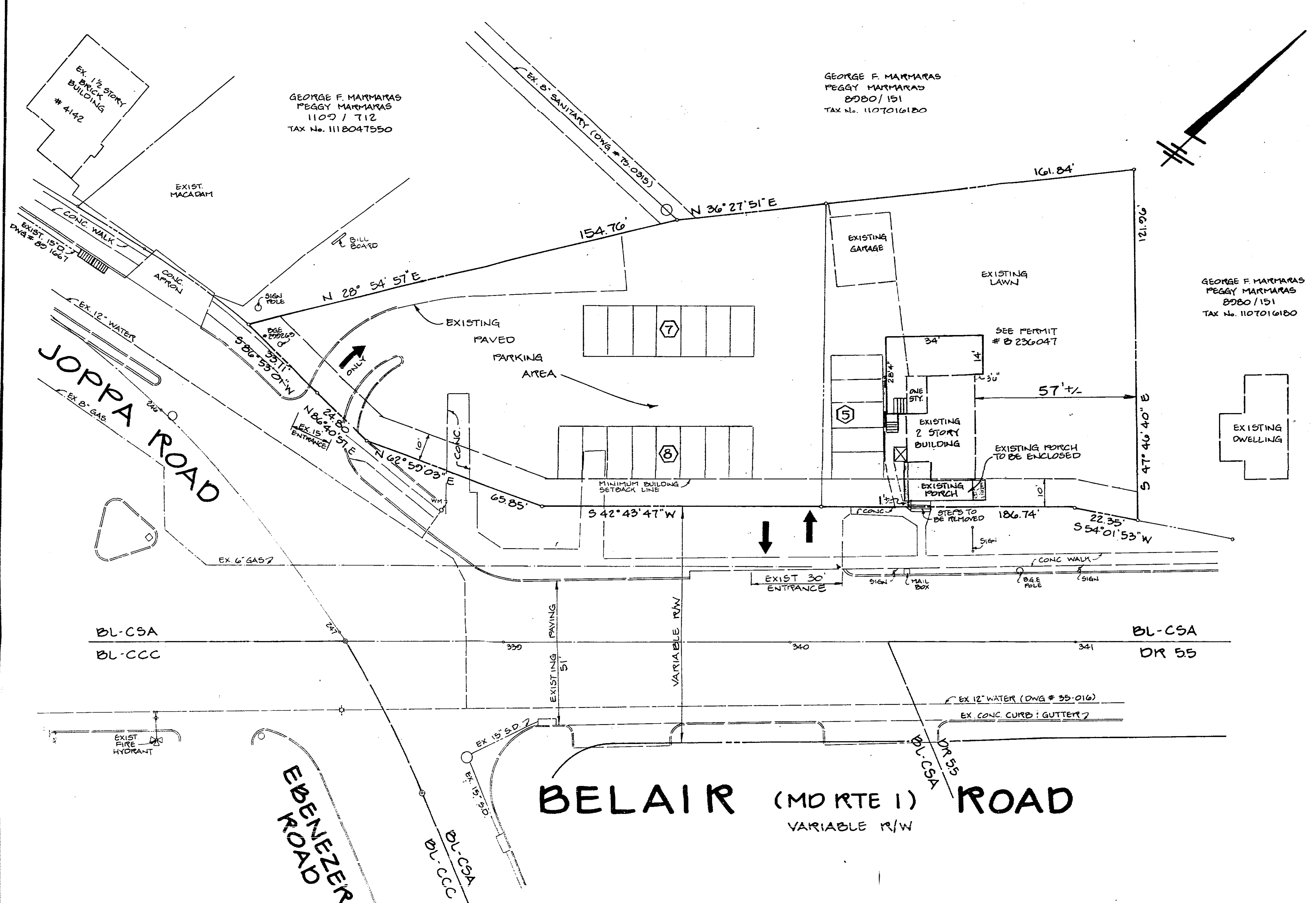
ZONING VARIANCE PETITION REQUEST
A PETITION FOR A VARIANCE TO SECTION 232.1 OF BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW A FRONT YARD SETBACK OF 2 FEET IN LIEU OF THE REQUIRED 10 FEET.

OWNER
ANNA SCHAFER
7001 MT. VISTA ROAD
KINGSVILLE, MD 21087

NO.	DATE	DESCRIPTION
1	6-2-95	Rev. per Filing Conference Comments

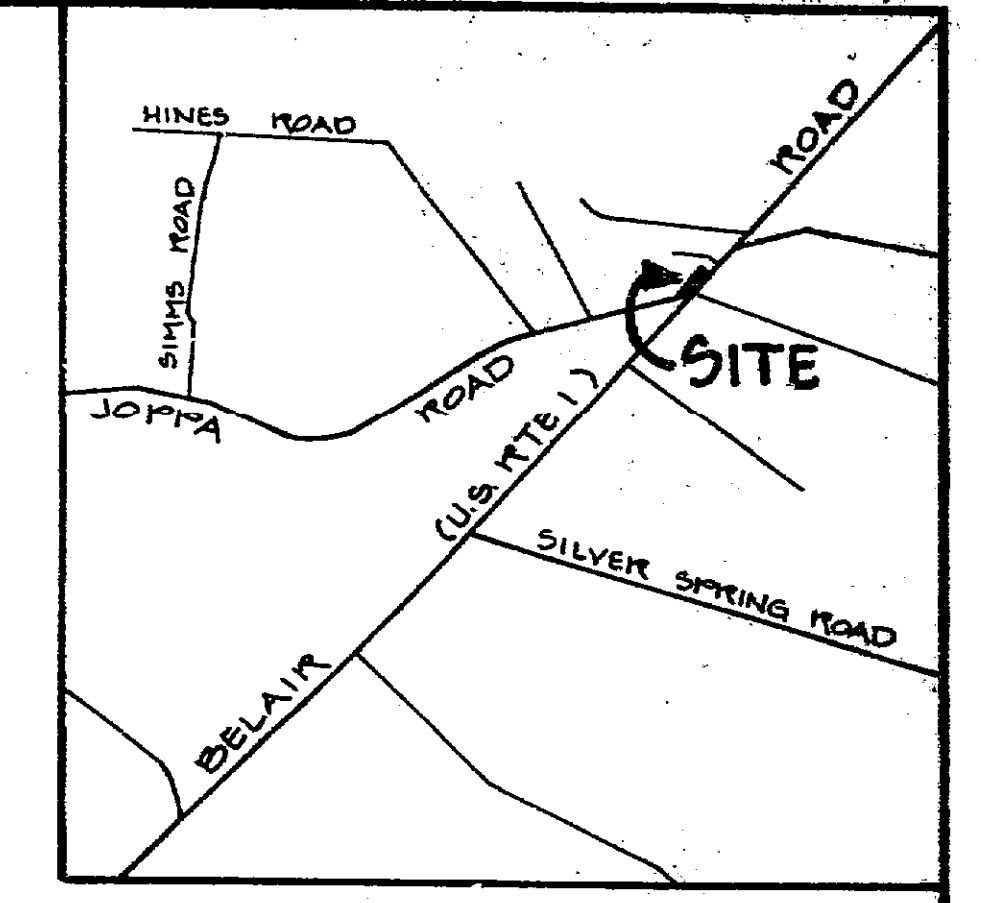
SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 109, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE: 823-3535

PLAT TO ACCOMPANY ZONING PETITION
2006 BELAIR ROAD
SCHAFER PROPERTY
439
11TH ELECTION DISTRICT BALTIMORE CO., MD



GENERAL NOTES

1. THE PROPERTY HAS NO ZONING HISTORY.
2. THE PROPERTY HAS NO EXISTING WAIVERS OR C.R.G.'S.



VICINITY MAP
SCALE: 1"=2000'

SITE DATA

GROSS SITE AREA	0.67 ACRES
NET SITE AREA	0.67 ACRES
ELECTION DISTRICT	11
COUNCILMANIC DISTRICT	5
EXISTING ZONING	BL-CSA
DEED REFERENCES	22/320, 100/390
TAX MAP / PARCEL / GRID	T2/350/17
TAX ACCOUNT NUMBER	10000475
EXISTING USE	(MUSIC STORE) RETAIL
PROPOSED USE	(MUSIC STORE) RETAIL
FLOOR AREA	
1ST FLOOR (EXIST.)	820 Sq. Ft.
2ND FLOOR (EXIST.)	716 Sq. Ft.
ENCLOSURE (PROJ.)	278 Sq. Ft.
ADDITION (PROJ.)	500 Sq. Ft.
TOTAL	2,314 Sq. Ft.
F.A.R.	Sq. Ft. / 0.67 ACRES
2,314 / 0.67 ACRES	0.06
PARKING REQUIRED	2,314 ÷ 200 SPS/Sq. Ft.
2,314 ÷ 200 SPS/Sq. Ft.	12 SPACES
PARKING PROVIDED	20 SPACES



PETITIONER'S EXHIBIT NO. 1

ZONING VARIANCE PETITION REQUEST
A PETITION FOR A VARIANCE TO SECTION 232.1 OF BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW A FRONT YARD SETBACK OF 2 FEET IN LIEU OF THE REQUIRED 10 FEET.

OWNER
ANNA SCHAFER
7001 MT VISTA ROAD
KINGSVILLE, MD 21087

REVISIONS

NO.	DATE	DESCRIPTION
1	6-2-05	REV PER FILING CONFERENCE COMMENTS
2	6-20-05	REV PER ARCHITECTS COMMENTS
3	7-6-05	REV FRONT BUILDING SETBACK

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 109, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE 823-3535

PLAT TO ACCOMPANY ZONING PETITION
9006 BELAIR ROAD
SCHAFER PROPERTY